THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25417 of 2006

Dated: 22-02-2007

Between:

Datla Satyanarayana Raju

.... PETITIONER

AND

The District Level Committee (Panchayat Wing) and Confirming Authority, East Godavari District, Kakinada & others.

.... RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25417 of 2006

ORDER:

The second respondent conducted auction for leasing out the right to quarry sand in Godavari river after issuing auction notice dated 5.10.2006. The petitioner herein became successful bidder in respect of Package No.3 (Gouthami Right Bank) and sixth respondent statedly became the successful bidder for Package No.2 (Gouthami Left Bank). It appears the sixth respondent was given ramp at 22/300 Kilo meters Alamuru. However, he approached the first respondent requesting for change of ramp alleging that if such change of ramp is allowed by the sixth respondent, it would cause loss to him besides contravening the provisions of Rule 9 of Andhra Pradesh Minor Mineral Concession Rules, 1966 (for brevity 'the Rules'). The petitioner filed the instant writ petition seeking a Writ of Mandamus declaring the action of the respondents in granting change of ramp to the sixth respondent as illegal.

This Court while granting time to the learned Assistant Government Pleader for Panchayat Raj to get instructions in the matter, ordered status-quo on 6.12.2006. The matter is now coming up for extension of interim orders/disposal of the matter. At this stage itself, the learned Assistant Government Pleader after getting instructions submits that the representation made by the sixth respondent to the first respondent was referred to Sub-Committee consisting of Sub-Collector, Assistant Director of Mines and Geology, Sarpanch of Vaddiparlu Gram Panchayat and President, Mandal Parishad, Addateegala Mandal for enquiry. He also submits that no permission is granted to the sixth respondent to change the ramp at 19/300 Kilo Meter Jonnada and ramp at 22/300 Kilo Meters Alamuru. The same is recorded.

This Court further observes that if the change of ramp is allowed by the first respondent in exercise of his powers under Rule 9-B(2) of the Rules, the petitioner may avail the remedy by preferring an appeal before the Joint Collector who is the confirming authority.

The writ petition is accordingly dismissed. No costs.

(V.V.S. RAO,J)

22nd February, 2007

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